

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 678 of 2005

Between:

- 1 C. Purushotham Reddy, S/o. Suryanaryana Reddy,
R/o. Chittivaripalem, Vishakapatnam District.
- 2 Chappadi Narayanamma, W/o. Papi Reddy,
R/o. Chittivaripalem, Vishakapatnam District.
- 3 Chava Prasad Reddy, S/o. Suryanaryana Reddy,
R/o. Chittivaripalem, Vishakapatnam District.

..... PETITIONERS

AND

- 1 The District Collector, Visakhapatnam District, Visakhapatnam.
- 2 The Joint Collector, Visakhapatnam.
- 3 The Mandal Revenue Officer (Rural), Chinnagadili Mandal,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in Rc.No. 753/2002/A dt. 31-12-2004 in Survey no. 173/5 of an extent of Ac. 2.77 cents in Paradesipalem Village, Chinnagadili Mandal, Visakhapatnam District.

For the Petitioners: MR.P.SRI RAGHU RAM, Advocate

For the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent the writ petition itself is disposed of at the stage of admission.

The petitioners claim to be *bona fide* purchasers of Ac.2-77 of the land consisting of Ac.1-00, Ac.1-00 and Ac.0-77 cents situated in Survey No.173/5 of Paradesipalem village, Chinnagadili Mandal of Visakhapatnam District, by virtue of three registered sale deeds dated

10-4-1985, 09-4-1985 and 11-4-1985. They state that when respondent Nos.1 and 2 herein and the Village Secretary of Paradesipalem Panchayathi were trying to interfere with their possession over the land in question, they filed W.P. No.19683 of 2002, wherein this Court by order dated 08-10-2002 directed the respondents not to interfere with the possession and enjoyment of the petitioners over the land without initiating any proceedings in accordance with law. Thereafter, seeking regularization of their possession over the land in question, they made a representation, dated 10-04-2004 to the Commissioner of Land Administration, Hyderabad, who called for report from the Mandal Revenue Officer through District Collector concerned in the matter. Thereafter, on their representation dated 26-07-2004 submitted through Minister for Revenue, the District Collector, Visakhapatnam also called for enquiry report from the Mandal Revenue Officer, Visakhapatnam Rural with respect to the land in question. While so, it is stated, respondent No.3-Mandal Revenue Officer instead of giving report over the land, issued the impugned notices dated 31-12-2004 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short "the Rules") calling upon the petitioners to show cause why they should not be evicted from the land in question, for which they submitted their explanations through registered post bearing postal receipt Nos.277, 278 and 279. Their grievance is that respondent No.3, without passing any orders on the explanations submitted by them to the impugned notices, is trying to dispossess them from the land in question. Hence, the writ petition.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with a direction to respondent No.3 to consider the explanations said to have been submitted by the petitioners to the impugned notices issued under Rule 3 of the Rules and pass appropriate orders thereon in accordance with law. Till passing of such orders, status quo existing as on today

shall be maintained.

N.V. RAMANA, J

Date: 25-01-2005

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To

- 1 The District Collector, Visakhapatnam District, Visakhapatnam.
- 2 The Joint Collector, Visakhapatnam.
- 3 The Mandal Revenue Officer (Rural), Chinnagadili Mandal, Visakhapatnam District.
- 4 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).
- 5 Two CD copies.